

TIPPECANOE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2020-26 -CM

**AUTHORIZING PETITION TO ESTABLISH REGIONAL SEWER DISTRICT FOR
AMERICUS, BUCK CREEK, AND COLBURN**

WHEREAS, the Tippecanoe County Council adopted Resolution 2020-16-CM authorizing the submission of a Petition to the Indiana Department of Environmental Management for the creation of a Regional Sewer District serving Americus, Buck Creek, and Colburn, and

WHEREAS, the Board of Commissioners of Tippecanoe County also recognizes the need for such a Regional Sewer District;

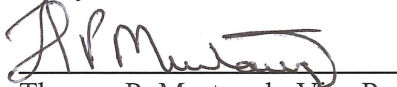
NOW, THEREFORE, BE IT RESOLVED by the Tippecanoe County Board of Commissioners that Commissioner Tracy Brown is hereby authorized to execute on behalf of Tippecanoe County a petition for the establishment of a regional sewer district in substantially the form attached hereto as Exhibit A.

Duly adopted this 26th day of July, 2020.

**BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY**



Tracy A. Brown, President




Thomas P. Murtaugh, Vice President



David S. Byers, Member

ATTEST:



Bob Plantenga, Auditor of
Tippecanoe County

**BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT**

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Petitioner, the Tippecanoe County, by its authorized representative, tenders its Petition to the Commissioner of the Indiana Department of Environmental Management (IDEM) for an order directing that a regional sewer district be established under IC 13-26 as an independent municipal corporation in Tippecanoe County, Indiana. In support of this Petition, Petitioner alleges:

1. Authorization by Fiscal Body. The filing of this Petition has been authorized by the Tippecanoe County Council as required by IC 13-26-2-2. A copy of the authorizing resolution is attached to this Petition as Exhibit "A".

2. Authorized Representative of Petitioner. The authorized representative for Petitioner shall be Tracy A. Brown, President – Tippecanoe County Board of Commissioners. The authorized representative may be contacted regarding this Petition or other district business via Tippecanoe County Commissioners Office – Sharon Hutchison email: shutchison@tippecanoe.in.gov .

3. Principle Office. The principle office of the district shall be located at 20 North 3rd Street, Lafayette, IN 47901

4. Name of District. The name of the regional sewer district shall be the Americus, Buck Creek, & Colburn Regional Sewer District.

5. District Territory Description. The territory to be included in the district shall be the unincorporated property in Washington Township that is approximately bounded by the Wabash River to the North, North 775 East to the East, and State Road 25 to the South. The territory to be included in the district is outlined on the map(s) attached to this Petition as Exhibit "B".

6. Governmental Entities and State Property in District. The following governmental entities (political subdivisions) have territory within the proposed district boundaries:
Washington Township – Trustee, Barb Knochel and Tippecanoe County School Corporation – Superintendent, Steve Tobias.

7. District Median Income. According to the most recent federal decennial census, the median income for households in the proposed district is \$68,000.

8. Current Services in District. Sanitary waste is disposed of in the proposed district exclusively by on-site septic systems.

9. Indebtedness. There is no outstanding indebtedness in the district territory for the proposed purpose of the district.

10. Need for District. Tippecanoe County government, residents, and businesses have recognized the need for a district to provide sewer services in the proposed territory. Properties within and near the communities of Americus, Buck Creek, and Colburn have aging and failing septic systems that have contributed to contamination of the area, causing a public health

concern. Residents and local business support the extension of sewer services to improve property values and encourage development.

11. Purpose(s) of District. The purposes of the district are as follows:

- a. To reduce the risks to public health and the environment posed by failing or inadequate septic systems through the provision of sanitary sewer collection, treatment, and disposal services inside the proposed district territory.

12. Alternatives to Creating District. As part of the Tippecanoe County Utility Master Plan, multiple alternatives were developed for potential sanitary sewer service for the service area. These included Regionalization (wastewater treatment and disposal at a nearby city), Centralization (wastewater treatment and disposal at a central location within the service area), and Localization (wastewater treatment and disposal for each of the three communities individually). After a Life Cycle Cost Analysis was performed, the Centralized alternative was recommended. See Exhibit "D".

13. Initial Financing Plan. Until the district is in receipt of revenue, the district's cost of operation shall be funded by a Bond Anticipation Note (BAN) and advances from Tippecanoe County.

14. Feasibility Study. Attached to this Petition as Exhibit "D" is a feasibility study that sets forth the basic plan for implementing the purpose of the district, including estimates of the following:

- a. the costs of accomplishing the purpose of the district;
- b. the costs of constructing, operating, and maintaining the works;
- c. the sources of the funding of these costs; and
- d. the rates and charges that will be required.

15. Board of Trustees Appointment Recommendation. Petitioner recommends that the district board of trustees shall be made up of 5 members, appointed as follows:

- a. TWO appointed by Tippecanoe County Commissioners - Executive;
- b. TWO appointed by Tippecanoe County Council - Fiscal Body;
- c. ONE appointed by Washington Township Trustees;

16. Board of Trustees Term Recommendation. Petitioner recommends that the initial appointments shall be limited to the following term lengths:

- a. ONE of the appointments will be for FOUR years for the Tippecanoe County Commissioners Executive appointee(s); ONE will be for TWO years. All subsequent terms would be for FOUR years.
- b. ONE of the appointments will be for FOUR years for the Tippecanoe County Council Fiscal Body appointee(s); ONE will be for TWO years. All subsequent terms would be for FOUR years.
- c. Appointment by Washington Township Trustee will be FOUR years.

Upon vacancy due to expiration of the initial appointment term, all appointments shall be for terms of four years. Upon vacancy for any reason before the expiration of a term, the appointing authority for that Trustee shall appoint a new Trustee to complete that term within 45 days.

17. Notice and Public Meeting. Petitioner has public noticed and conducted a public meeting as required by IC 13-26-2-2.5 before the filing of this Petition.

- a. Public notice for the public meeting was provided by newspaper publications, radio broadcasts, and first-class United States mail to each freeholder in the district according to the dates and intervals required by IC 13-26-2-2.5(b). Receipts for

the purchase of these services and the list of freeholders notified by mail have been attached to this Petition as Exhibit "E".

- b. The public meeting was conducted on June 16, 2020. The minutes of the public meeting have been attached to this Petition as Exhibit "F".

18. Petition Filing and Availability. This Petition has been filed with all parties required by IC 13-26. This Petition has been filed within the time limits required under IC 13-26-2-2.5(d). Copies of this Petition and any subsequent amendments have been made available for 180 days from the date of filing with IDEM at Tippecanoe County Public Library, 627 South St, Lafayette, IN 47901 and Tippecanoe County Commissioners Office, 20 North 3rd Street, Lafayette, IN 47901. Interested parties may request an electronic copy of this Petition and any amendments by PUBLIC RECORDS REQUEST found on the Tippecanoe County Government Website: <https://www.tippecanoe.in.gov/> .

WHEREFORE, Petitioner requests:

1. That IDEM public notice and conduct a public hearing on this Petition under IC 13-26-2; and
2. That the Commissioner grant the relief requested in this Petition by issuing an order establishing the Americus, Buck Creek, and Colburn Regional Sewer District.

This Petition for an order to establish a regional sewer district is respectfully submitted to IDEM on DATE. As the authorized representative of Petitioner, I swear or affirm that the statements and representations in this Petition are true, accurate, and complete to the best of my knowledge.

Tippecanoe County Commissioners
By:

Tracy A. Brown – President Tippecanoe County Board of Commissioners.